

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARK SOKOLOW, et al.,

Plaintiffs,

Civ. No. 04-397 (GBD) (RLE)

v.

THE PALESTINE LIBERATION ORGANIZATION, et al.,

Defendants.

**PLAINTIFFS' AMENDED NOTICE TO THE PA OF TAKING DEPOSITIONS
PURSUANT TO FED.R.CIV.P. 30(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, the plaintiffs' counsel will take the deposition of the defendant, the Palestinian Authority ("PA"), beginning on December 11, 2012, at 9:00 a.m. at the American Colony Hotel in Jerusalem. The deposition will continue from day to day thereafter until completed. The PA is hereby directed, pursuant to Rule 30(b)(6), to designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf at the time and place stated above, regarding the following matters:

- 1) In respect to Abdullah Barghouti (hereinafter in this Topic: "Barghouti") –
 - a) The full details of all requests to the PA made by the U.S. government and/or the Israeli government, at any time after September 1, 2000, to arrest and/or detain Barghouti (hereinafter in this Topic: "Requests"), including: (i) the identity of the personnel and/or agencies that made the Requests; (ii) the dates of the Requests; (iii) the means and media by which the Requests were communicated (e.g., fax, email, telephone, in person, etc.); (iv) the identity of the PA personnel and/or agencies that

received the Requests; (v) the contents, substance and details of the Requests; (vi) in respect to any such Requests that were communicated to the PA in writing (A) the locations in which such writings (and copies thereof) were held since their receipt by the PA (B) what became of such writings (and copies thereof) since their receipt by the PA and (C) the current locations of such writings (and copies thereof).

b) The full details of any actions taken by the PA in response to the Requests.

c) The full details of any arrests and/or detentions of Barghouti by the PA at any time after September 1, 2000 (whether or not in response to the Requests), including the dates and locations of such arrests and/or detentions.

d) The full details of any interrogations and/or questioning of Barghouti by the PA at any time after September 1, 2000 (whether or not in response to the Requests), including the dates and locations of such interrogations and/or questioning, and the names, ranks and official positions of the PA personnel who were present at such interrogations and/or questioning.

e) The full details of any releases and/or escapes of Barghouti from PA custody at any time after September 1, 2000, including the causes and circumstances of such releases and/or escapes.

2) In respect to Ibrahim Hamed (hereinafter in this Topic: "Hamed") –

a) The full details of all requests to the PA made by the U.S. government and/or the Israeli government, at any time after January 1, 1994, to arrest and/or detain Hamed (hereinafter in this Topic: "Requests"), including: (i) the identity of the personnel and/or agencies that made the Requests; (ii) the dates of the Requests; (iii) the means and media by which the Requests were communicated (e.g., fax, email,

telephone, in person, etc.); (iv) the identity of the PA personnel and/or agencies that received the Requests; (v) the contents, substance and details of the Requests; (vi) in respect to any such Requests that were communicated to the PA in writing (A) the locations in which such writings (and copies thereof) were held since their receipt by the PA (B) what became of such writings (and copies thereof) since their receipt by the PA and (C) the current locations of such writings (and copies thereof).

b) The full details of any actions taken by the PA in response to the Requests.

c) The full details of any arrests and/or detentions of Hamed by the PA at any time after January 1, 1994 (whether or not in response to the Requests), including the dates and locations of such arrests and/or detentions.

d) The full details of any interrogations and/or questioning of Hamed by the PA at any time after January 1, 1994 (whether or not in response to the Requests), including the dates and locations of such interrogations and/or questioning, and the names, ranks and official positions of the PA personnel who were present at such interrogations and/or questioning.

e) The full details of any releases and/or escapes of Hamed from PA custody at any time after January 1, 1994, including the causes and circumstances of such releases and/or escapes.

3) In respect to Abdel-Karim Aweis, Nasser Shawish and Mohammed Hashaika (hereinafter in this Topic: “the Specified Terrorists”) –

a) The full details of all requests to the PA made by the U.S. government and/or the Israeli government, at any time after September 1, 2000, to arrest and/or detain any of the Specified Terrorists (hereinafter in this Topic: “Requests”), including:

- (i) the identity of the personnel and/or agencies that made the Requests; (ii) the dates of the Requests; (iii) the means and media by which the Requests were communicated (e.g., fax, email, telephone, in person, etc.); (iv) the identity of the PA personnel and/or agencies that received the Requests; (v) the contents, substance and details of the Requests; (vi) in respect to any such Requests that were communicated to the PA in writing (A) the locations in which such writings (and copies thereof) were held since their receipt by the PA (B) what became of such writings (and copies thereof) since their receipt by the PA and (C) the current locations of such writings (and copies thereof).
 - b) The full details of any actions taken by the PA in response to the Requests.
 - c) The full details of any arrests and/or detentions of the Specified Terrorists by the PA at any time after September 1, 2000 (whether or not in response to the Requests), including the dates and locations of such arrests and/or detentions.
 - d) The full details of any interrogations and/or questioning of the Specified Terrorists by the PA at any time after September 1, 2000 (whether or not in response to the Requests), including the dates and locations of such interrogations and/or questioning, and the names, ranks and official positions of the PA personnel who were present at such interrogations and/or questioning.
 - e) The full details of any releases and/or escapes of the Specified Terrorists from PA custody at any time after September 1, 2000, including the causes and circumstances of such releases and/or escapes.
- 4) In respect to Nasser Aweis, Majid Al-Masri, Ahmed Barghouti, Mohammed Maslah and Said Ramadan (hereinafter in this Topic: “the Specified Terrorists”) –

a) The full details of all requests to the PA made by the U.S. government and/or the Israeli government, at any time after September 1, 2000, to arrest and/or detain any of the Specified Terrorists (hereinafter in this Topic: "Requests"), including: (i) the identity of the personnel and/or agencies that made the Requests; (ii) the dates of the Requests; (iii) the means and media by which the Requests were communicated (e.g., fax, email, telephone, in person, etc.); (iv) the identity of the PA personnel and/or agencies that received the Requests; (v) the contents, substance and details of the Requests; (vi) in respect to any such Requests that were communicated to the PA in writing (A) the locations in which such writings (and copies thereof) were held since their receipt by the PA (B) what became of such writings (and copies thereof) since their receipt by the PA and (C) the current locations of such writings (and copies thereof).

b) The full details of any actions taken by the PA in response to the Requests.

c) The full details of any arrests and/or detentions of the Specified Terrorists by the PA at any time after September 1, 2000 (whether or not in response to the Requests), including the dates and locations of such arrests and/or detentions.

d) The full details of any interrogations and/or questioning of the Specified Terrorists by the PA at any time after September 1, 2000 (whether or not in response to the Requests), including the dates and locations of such interrogations and/or questioning, and the names, ranks and official positions of the PA personnel who were present at such interrogations and/or questioning.

e) The full details of any releases and/or escapes of the Specified Terrorists from PA custody at any time after September 1, 2000, including the causes and circumstances of such releases and/or escapes.

5) In respect to Abdel Rahman Makdad, Ahmed Salah, Halmi Hamash, Ahmed Sa'ad, Mohammed Ma'ali, Ali Abu-Halail, Ahmed Abu Radab and Ali Ja'ara (hereinafter in this Topic: "the Specified Terrorists") –

a) The full details of all requests to the PA made by the U.S. government and/or the Israeli government, at any time after September 1, 2000, to arrest and/or detain any of the Specified Terrorists (hereinafter in this Topic: "Requests"), including: (i) the identity of the personnel and/or agencies that made the Requests; (ii) the dates of the Requests; (iii) the means and media by which the Requests were communicated (e.g., fax, email, telephone, in person, etc.); (iv) the identity of the PA personnel and/or agencies that received the Requests; (v) the contents, substance and details of the Requests; (vi) in respect to any such Requests that were communicated to the PA in writing (A) the locations in which such writings (and copies thereof) were held since their receipt by the PA (B) what became of such writings (and copies thereof) since their receipt by the PA and (C) the current locations of such writings (and copies thereof).

b) The full details of any actions taken by the PA in response to the Requests.

c) The full details of any arrests and/or detentions of the Specified Terrorists by the PA at any time after September 1, 2000 (whether or not in response to the Requests), including the dates and locations of such arrests and/or detentions.

d) The full details of any interrogations and/or questioning of the Specified Terrorists by the PA at any time after September 1, 2000 (whether or not in response to the Requests), including the dates and locations of such interrogations and/or questioning, and the names, ranks and official positions of the PA personnel who were present at such interrogations and/or questioning.

e) The full details of any releases and/or escapes of the Specified Terrorists from PA custody at any time after September 1, 2000, including the causes and circumstances of such releases and/or escapes.

6) In respect to Naef Abu Sharkh, Mazen Faritakh and Sa'id Awada (hereinafter in this Topic: "the Specified Terrorists") –

a) The full details of all requests to the PA made by the U.S. government and/or the Israeli government, at any time after September 1, 2000, to arrest and/or detain any of the Specified Terrorists (hereinafter in this Topic: "Requests"), including: (i) the identity of the personnel and/or agencies that made the Requests; (ii) the dates of the Requests; (iii) the means and media by which the Requests were communicated (e.g., fax, email, telephone, in person, etc.); (iv) the identity of the PA personnel and/or agencies that received the Requests; (v) the contents, substance and details of the Requests; (vi) in respect to any such Requests that were communicated to the PA in writing (A) the locations in which such writings (and copies thereof) were held since their receipt by the PA (B) what became of such writings (and copies thereof) since their receipt by the PA and (C) the current locations of such writings (and copies thereof).

b) The full details of any actions taken by the PA in response to the Requests.

c) The full details of any arrests and/or detentions of the Specified Terrorists by the PA at any time after September 1, 2000 (whether or not in response to the Requests), including the dates and locations of such arrests and/or detentions.

d) The full details of any interrogations and/or questioning of the Specified Terrorists by the PA at any time after September 1, 2000 (whether or not in response to the Requests), including the dates and locations of such interrogations and/or

questioning, and the names, ranks and official positions of the PA personnel who were present at such interrogations and/or questioning.

e) The full details of any releases and/or escapes of the Specified Terrorists from PA custody at any time after September 1, 2000, including the causes and circumstances of such releases and/or escapes.

7) The full details of all military and/or paramilitary training provided to Fatah by the PA between January 1, 1998 and January 29, 2004.

8) The full details of the organizational, political and financial relationship between the PA and Fatah between January 1, 1998 and January 29, 2004, including without limitation:

a) The identity of all PA cabinet members who belonged to Fatah, and their respective positions, titles, roles and responsibilities in Fatah.

b) The identity of all PA cabinet members who did not belong to Fatah, and the factions, if any, to which they belonged.

c) The rules and procedures governing decision-making by the PA cabinet; or, if such rules and procedures did not exist and/or were not always followed, the manner in which the PA cabinet actually made decisions.

d) Fatah's duties, obligations and rights vis-à-vis the PA.

e) The PA's duties, obligations and rights vis-à-vis Fatah.

f) The constitution, charter, program, policies and goals of the PA; and the differences, if any, between the constitution, charter, program, policies and goals of the PA and the constitution, charter, program, policies and goals of Fatah.

g) The provision of material support or resources to or for the benefit of Fatah by the PA (whether or not at the behest of the PLO) including: (i) the types of material

support or resources provided (ii) the amounts or values (in dollars or any other currency) of the material support or resources provided (iii) the dates on which the material support or resources were provided (iv) the manner in which the material support or resources were provided including, in the case of funding (A) whether the funds were drawn from PA accounts or from some other accounts and if so – which accounts and (B) whether the funds were paid to Fatah accounts or to some other accounts and if so – which accounts.

9) The constitution, charter, program, policies, goals and activities of Fatah between January 1, 1998 and January 29, 2004.

10) Fatah's budget between January 1, 1998 and January 29, 2004.

11) Fatah's sources of funding between January 1, 1998 and January 29, 2004.

12) All facts relating to the Fourth Affirmative Defense asserted by the PA in the Answer filed by the PA in this action,¹ including:

a) All facts relating to the claim by the PA that it is an “unincorporated association” under New York law.

b) The process, procedure and manner, if any, through which a person can become a “member” of the PA (as that term is used in *Martin v. Curran*, 101 N.E. 2d 683 (N.Y. 1951)) and the process, procedure and manner, if any, through which a person can cease to be a “member” of the PA.

¹ Plaintiffs seek this information without derogating from their position that the PA has waived any lack of capacity defense.

c) The identity of any persons who were “members” of the PA (as that term is used in *Martin v. Curran*, 101 N.E. 2d 683 (N.Y. 1951)) at any time between January 8, 2001 and the present day, and the date on which each such person became a “member” of the PA.

13) The full details of any and all searches conducted by the PA for documents and information responsive to each of the discovery requests served by plaintiffs on the PA in this action (including, without limitation, any and all searches conducted by the PA for information responsive to the topics listed in the instant notice of deposition), including the details of any such searches conducted in the paper and/or electronic files of the PA’s Preventive Security Service, the PA’s General Intelligence Service, the PA’s National Security Forces, the PA’s Military Intelligence, the PA’s Presidential Security Force and/or the PA’s civil police force.

14) In respect to any documents or information responsive to the discovery requests served by plaintiffs in this case that the PA contends were lost, destroyed, or removed from its possession, custody, or control since the date of the filing of this action: the full identifying details of any and all such documents or information, and the full details of when and how such documents or information were lost, destroyed, or removed from the PA’s possession, custody, or control.

15) In respect to all documents produced or disclosed by the PA in this action on or before December 21, 2012: (i) when and how the document produced or disclosed came into the possession, custody or control of the PA, the locations in which the document was kept and/or located since it came into the possession, custody or control of the PA, and the identities, titles and positions of all custodians of the document since it came into the possession, custody or control of the PA; (ii) whether the document produced or disclosed is an authentic copy of an original document; (iii) when and how such original document came into the possession, custody or control

of the PA; (iv) the date and place that such original document was created and/or generated; (v) the circumstances in which and reasons that such original document was created and/or generated; (vi) the identities, titles and positions of all persons who took part in creating and/or generating such original document, and the role or part of each such person in creating and/or generating such original document; (vii) the locations in which such original document was kept and/or located since its creation and/or generation; (viii) the identities, titles and positions of all custodians of such original document since its creation and/or generation.

16) The full details and substance of all communications between the PA (including any employee, agent or attorney of the PA) and Abdullah Barghouti (including any attorney for Abdullah Barghouti) concerning this case and/or Abdullah Barghouti's deposition in this case.

17) The PA's ability to search its paper and electronic files (including the paper and electronic files of the PA's Preventive Security Service, the PA's General Intelligence Service, the PA's National Security Forces, the PA's Military Intelligence, the PA's Presidential Security Force and the PA's civil police force), including: (i) whether the PA's paper and electronic files are indexed and (ii) the types of searches that can be conducted in the PA's electronic files (e.g., whether the PA's electronic files can be searched by keyword, proper names, dates, events, etc.).

18) In respect to the original and complete document a part of which is attached as Appendix 1 of the Sixth Request to Produce Documents and Things By All Plaintiffs: (i) the locations in which that document and all copies thereof were held since their receipt by the PA (ii) whether page 2 of that document was lost or destroyed and if so the details thereof; and (iii) the current locations of that document and all copies thereof.

19) Whether the PA has paid and/or is paying benefits to the families of the terrorists listed in Appendix 1 of the Seventh Request to Produce Documents and Things by All Plaintiffs.

20) Whether between July 31, 1998 and July 31, 2002, Hamas used any real properties in Area A (as defined in the Oslo Accords) for any purpose and, if so: (i) the locations of such properties (ii) the use Hamas made of the properties (iii) the dates on which Hamas made use of the properties and (iv) when the PA became aware of the facts responsive to this topic.

21) Whether the PA made any payments at any time after March 14, 2006, to any attorney(s) representing Fuad Shubaki (including without limitation Osama Saadi and Avigdor Feldman) that were made in relation to such representation, and, if so: (i) the amounts of such payments and (ii) the recipients of such payments.

22) In respect to the imprisoned PA police officers listed on the official website of the PA Police (at <http://www.palpolice.ps/ar/?p=4830>): (i) the crimes of which they were convicted (ii) the disciplinary actions taken against them by the PA and/or the punishments given them by the PA, if any, as a result of their convictions; (iii) the details of any promotions given those police officers by the PA since their convictions; (iv) whether the PA has paid salaries to those police officers since their convictions and if so the details of such payments; and (v) whether the PA has paid benefits to those police officers and/or their families due to their convictions.

23) In respect to any employees of the PA convicted by Israeli authorities of committing any crimes during the period of their employment by the PA – the details of any disciplinary actions taken by the PA, and/or of any punishments imposed by the PA, as a result of such convictions.

24) The funding, management, and editorial and programming policies of PA television, including the rules and practices of PA television regarding programming content.

25) In respect to the original musical program broadcast on PA television honoring suicide bomber Wafa Idris, excerpts of which were sent by plaintiffs to defendants by email *inter alia* on October 17, 2012: (i) all dates and times on which it was broadcast by the PA TV; (ii) the

identities and job titles of the persons who decided to broadcast the program; (iii) why it was broadcast, and broadcast repeatedly, by PA television.

26) In respect to the letter on PA Preventive Security letterhead which was sent by plaintiffs to defendants by email *inter alia* on October 17, 2012 (including the typewritten letter and all the various handwritten notations thereon): (i) the full details of the origin, authorship, substance and purpose of that document; (ii) the full details of the information contained therein; and (iii) the full details of the sources of information (documentary, human or other) on which the authors of the letter and the notations relied when writing the letter and the notations.

Plaintiffs request that the PA provide (1) the names and titles of the persons it will designate to give testimony regarding the matters above and (2) summaries of the areas in which each such designated person will give testimony.

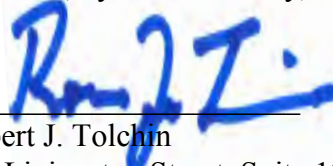
The term “material support or resources” as used herein has the meaning given that term in 18 U.S.C. § 2339A at the relevant time periods.

These depositions are being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Federal Rules of Civil Procedure and the rules of court.

These depositions will be recorded by audiovisual and stenographic means.

December 2, 2012

Plaintiffs, by their Attorney,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 2, 2012, a true copy of the foregoing was served
by email and U.S. mail on the PA's counsel of record listed below:

Brian A. Hill
Miller & Chevalier Chartered.
655 Fifteenth Street, N.W., Suite 900
Washington, DC 20005-5701



Robert J. Tolchin